IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 915 (SS) of 2007

Naresh Kumar Solanki,
S/o Sri Kunwar Singh,
At present posted as Assistant Teachers,
Primary School Badasi,
District – Dehradun. **…… Petitioner.**

Versus

1. State of Uttarakhand, through its Secretary, School, Education, Dehradun.
2. Director, School Education, State of Uttarakhand, Dehradun.
3. District Education Officer, Dehradun.
4. Additional, District Education Officer (Basic), Dehradun.

……..Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri I.P. Gairola, learned counsel for the petitioner and learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has challenged order dated 23.06.2007 passed by respondent no. 4 by which petitioner has been transferred from Primary School, Badasi, Block – Raipur, District – Dehradun to Primary School, Baderana, Block – Raipur, District – Dehradun.

The submission of learned counsel for the petitioner is that petitioner received paralysis attack in his left part of his body in the year 2004 and the then Additional District Education Officer (Basic), Dehradun sent a letter to CMO, Dehradun regarding medical examination of the petitioner. Thereafter, petitioner was medically examined by the Medical

Board and Medical Board has issued certificate. After considering the certificate issued by Medical Board, petitioner was adjusted by the respondents at Primary School, Badasi, Block – Raipur.

Till date, petitioner has not recovered fully from the disease and now, by the impugned order, petitioner has again been transferred to Primary School, Baderana, which is 5½kms away from motor head.

Learned counsel for the petitioner has further submitted that Medical Board can again examine the petitioner only on the direction of respondent authorities.

Consequently, I direct the petitioner to make representation for medical examination before Additional District Education Officer (Basic), Dehradun within a period of one week from today and it is expected from Additional District Education Officer (Basic), Dehradun that the he / she shall pass necessary order on the representation of the petitioner within a period one week from the date of production of certified copy of this order along with representation and thereafter, may pass appropriate order after considering the report of the Medical Board.

Registry is directed to supply the certified copy of this order the learned counsel for the petitioner on payment of usual charges by tomorrow.

With this direction, writ petition as well as stay application no. nil of 2007 is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 19, 2007
SKS